

**Wittels
McInturff
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November 30, 2022

Via ECF

The Hon. Rachel P. Kovner
The Hon. Vera M. Scanlon
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Malancea v. Family Home Care Services of Brooklyn and Queens, Inc.*, Case No. 18 Civ. 3261 (RPK) (VMS)

Dear Judge Kovner and Magistrate Judge Scanlon:

We are Plaintiff's counsel in this case. This letter is submitted on behalf of both parties pursuant to the Court's September 20, 2022 Electronic Order directing them to report on the status of the global arbitration by today's date.

As noted in our August 31 status letter (ECF No. 48), the global arbitration before Arbitrator Martin F. Scheinman based on the 1199SEIU class grievance that encompasses more than 30 home health care agencies, including Defendant Family Home Care Services of Brooklyn and Queens, Inc. concluded on February 23, 2022 with the issuance of a Final Award by the Arbitrator. Subsequently, on March 1, 2022, 1199SEIU filed a petition to confirm the Final Award pursuant to the Labor Management Relations Act. On June 24, 2022, Judge John G. Koeltl of the Southern District of New York confirmed the Final Award and denied a partial vacatur motion brought by a limited number of individual home health care aides who are former employees of the affected agencies. The Final Award is now in the administration phase and the individual aides have appealed certain aspects of Judge Koeltl's June 24 ruling. That appeal is still pending.

Accordingly, the parties respectfully request that Your Honor continue to stay this matter pending the finalization of the Award's administration phase and the resolution of the appeal partially challenging the Final Award. The parties will report any significant developments to the Court and continue to submit status reports as frequently as the Court may direct.

Respectfully submitted,

/s/ J. Burkett McInturff
J. Burkett McInturff

cc: All Counsel of Record (*via ECF*)